



The Energy Consortium, Inc.

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A non-profit Association of Industrial, Commercial, Institutional and Governmental Large Energy Users

Mary L. Cottrell
Secretary of the Department
Department of Telecommunications and Energy
One South Station – 2nd Floor
Boston, MA 02110

February 15, 2006

Re: D.T.E. Final Order in NStar Electric January 12, 2006, D.T.E. 05-84

Comments on Retail Energy Supply Association's Motion, RESA, Feb. 1, 2006

Dear Ms. Cottrell:

The Energy Consortium, TEC is a non-profit association of commercial, industrial, institutional and governmental large energy users in Massachusetts and has been concerned with energy regulatory matters for over 33 years. It advocates positions that promote fair cost-based energy rates, diversified supplies and reliable service for both its members and all Massachusetts ratepayers. TEC is a participant on electrical regulatory matters and its members will be specifically affected by the NStar Electric's revised tariffs filed under the final order D.T.E. 05-84.

TEC supports RESA's motion to reconsider and clarify the Department's January 12, 2006 Order in NSTAR Electric filing to modify its Terms and Conditions regarding Basic (Default) Service. Specifically, TEC is concerned with the wording in NStar's compliance filings for M.D.T.E. No's 101A, 201A and 301A, section 3A "unless the Customer or the Customer's applicable Competitive Supplier can demonstrate to the Company's (NStar) reasonable satisfaction that the Customer has been placed on Default Service upon expiration of a contract with such a Competitive Supplier."

TEC in its initial comment letter of December 16, 2005 states "For example, as supply contracts end, it is sometimes not possible to get a new contract in place in time to continue service seamlessly. Accordingly, a customer may wish to go onto Basic Service for a month or two to give it time to finalize a new contract with the same retail supplier." In its December comments, TEC assumed that the Department

would oversee and arbitrate the reasonableness of a Customer returning to the same Competitive Supplier and not the Company (NStar) as noted in the above tariffs.

As noted in the RESA motion, the Department should reconsider its decision to enable NStar to act as Compliance Monitor for all the reasons stated in their motion, such as:

- RESA asks the Department to reconsider its language encouraging NStar to assume a role more properly suited for the Department,
- Empowering NStar with this authority is potentially anti-competitive,
- The Department should identify exceptions to the six month rule precluding return to the same competitive supplier; and
- Procedures to monitor compliance will create untenable delays and cost for both customers and suppliers.

TEC is concerned about its members and other large C&Is that are far from fully utilizing the capacity of their Massachusetts facilities; yet, building new facilities in the Northeast Region and elsewhere. They are moving production and services away primarily due to the cost of doing business in this state – with energy cost and fairness being an important part of their decision.

I thank you for the opportunity to comment on behalf of TEC.

Respectfully submitted,

Roger Borghesani

Roger Borghesani, Chairman
The Energy Consortium

Cc: Jeanne L. Voveris, Hearing Officer